

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

15-CR-149-A

FRANK R. PARLATO, JR. and
CHITRA SELVARAJ,

Defendants.

GOVERNMENT’S MOTION TO PARTIALLY SEAL REPLY BRIEF (Dkt. 213)

The government moves to partially seal its reply brief (Dkt. 213) filed in support of the government’s motion to exclude inadmissible hearsay. *See* Dkt. 194. As discussed in the government’s brief, the defendants have stated that they intend to offer deposition testimony from a deceased witness. Those statements, however, are likely inconsistent with statements made by that same witness in the grand jury. To show the likely inconsistency, the government’s reply brief quoted and summarized the witness’s grand jury testimony.

Federal Rule of Criminal Procedure 6(e)(6) requires that “[r]ecords . . . related to grand-jury proceedings . . . be kept under seal to the extent and as long as necessary to prevent the unauthorized disclosure of a matter occurring before a grand jury.” The government therefore moves to seal those parts of its reply brief (Dkt. 213) that quote or summarize the witness’s grand jury testimony and which therefore disclose a “matter occurring before a grand jury.”

DATED: Buffalo, New York, October 27, 2020.

JAMES P. KENNEDY, JR
United States Attorney

BY: **ELIZABETH R. MOELLERING**
ELIZABETH R. MOELLERING
Assistant U.S. Attorney
United States Attorney's Office
Western District of New York
138 Delaware Avenue
Buffalo, New York 14202
(716) 843-5872
Elizabeth.Moellering@usdoj.gov

BY: **CHARLES M. KRULY**
CHARLES M. KRULY
Assistant U.S. Attorney
United States Attorney's Office
Western District of New York
138 Delaware Avenue
Buffalo, New York 14202
(716) 843-5816
Charles.Kruly@usdoj.gov